

## REMARKS

Claims 1-22 stand rejected in the above-identified patent application, and remain pending after entry of this amendment.

### Claim Objections

Claims 7 and 9 were objected to because of certain informalities. Applicant believes that the Office Action reversed the objections to claims 7 and 9 as the cited phrase for claim 7 appears in claim 9 and vice versa. In response, the applicant has amended claim 7 as suggested for claim 9 and has amended claim 9 as suggested for claim 7. Applicants appreciate the Examiner suggesting these clarifying changes.

### Rejection Under 35 U.S.C. §102

Claims 1, 5 and 7-11 were rejected under 35 U.S.C. §102 as being anticipated by the Chew, *et al.* patent.

Chew, *et al.* discloses a seat back for a wheelchair that has a shell with a back panel 20 and two adjustable side wings 19. However, the patent does not illustrate a cushion attached to the shell, much less one as recited in claim 1 that has a body which stretches and contracts to conform to alteration of the curvature of the shell. The only mention in the patent to a cushion is in column 3, lines 56-58 which states,

“A foam covering system is provided which accommodates adjustment of the lateral members relative to the back.”

However, without further details of such a “foam covering system” this broad statement could refer to each element of the shell, i.e. the back, the left wing and the right wing,

having its own separate cushion detached from the other cushions. That generalized statement also could refer to a variety of cushions of different fixed sizes with one chosen depending on the specific adjustment of the seat shell. Such vague reference to a covering for the shell clearly is insufficient to teach the present invention in a manner which anticipates claims 1, 5 and 7-11 under 35 U.S.C. §102. As a result, applicants request withdrawal of this rejection.

### **Rejection Under 35 U.S.C. §103**

Claims 2-4, 6 and 12-22 have been rejected 35 U.S.C. §103 as being unpatentable over Chew, *et al.* in view of Stulik.

In respect to claims 2-4, 6, and 13-22, although Chew, *et al.* teaches a wheelchair seat back that has a back panel with adjustable lateral wings, it does not suggest a cushion attached to the shell and stretching and contracting with the alteration of the shell's curvature or pleats the accommodate such curvature alteration. See comments above.

It is further submitted that the Office Action has mischaracterized the adjustable cushion shown in Figure 1 of Stulik as that cushion does not have separate lateral sections. This patent's cushion can be lengthened to accommodate variation of the front to back dimension of a seat bottom or height variation of a seat back (column 3, lines 21-22). That linear motion is accomplished by sliding rigid support plate 30 with respect to another plate 32 (column 4, line 58 *et seq.*). Nowhere does this reference suggest a seat cushion that accommodates variation the side-to-side curvature of a seat back resulting from adjustment of lateral side wings. Teaching that the height of a cushion can be varied does not suggest the ability to adjust for variation of the curvature of a seat back. In fact, the Stulik foam

sections 18a-c rest on a support 30 that is not described as being flexible. In addition, the Stulik cushion discloses horizontal grooves 14 that provide height adjustability whereas variation of the lateral seat back wings in Chew, *et al.* require adjustability in the orthogonal dimension.

In addition, the embodiment of the Stulik seat cushion shown in Figure 9 also does not suggest the structure recited in this group of claims. That seat cushion has a separate seat rest 52 and backrest 54. Furthermore, even if this seat cushion was placed onto a wheelchair with the backrest as shown in Chew, *et al.*, the seat cushion would not accommodate variation the side-to-side curvature of a seat back resulting from adjustment of lateral side wings, as stated in claim 2 for example. Specifically, the Stulik cushion's backrest 54 would not have a central section from which two lateral sections extend over the two wings in the Chew, *et al.* back in a manner in which such lateral sections contract and stretch with changes in the position of those wings. Nor does the cushion in Stulik's Figure 9 broadly allow for curvature changes of the Chew, *et al.* seat back.

With specific reference to claims 12 and 20 along with Figure 2 of the application, the shell 22 has back panel 30 a central portion 32 from opposite sides of which two lateral panels 34 and 36 project in a forward direction. The shell further includes a first wing 38 adjustably fastened to one of those lateral panels 34 and a second wing 42 adjustably fastened to the other lateral panel 36. Neither Chew, *et al.* nor Stulik discloses a seat shell back panel that has a central portion 32 and those two lateral panels. At best Chew, *et al.* teaches a curved spinal channel 56 from which to lateral panels 20 project to each side, but not in a forward direction. Therefore nothing in the combined teaching in these patents suggest the structure of the seat shell in claim s 12 and 20.

Independent claim 18 and dependent claims 3 and 15, recite pleated lateral sections of the seat back cushion. Similarly claims 4, 16 and 21 specify a first plurality of grooves extending vertically in one surface of the cushion, and a second plurality of grooves in an second surface and interleaved with the first plurality of grooves. The Stulik cushion merely has a horizontal groove 14 between each section with all the grooves in the same surface. This does not suggest pleated lateral sections or the two sets of groove in different surfaces as stated in these claims.

With respect to dependent claims 6, 14 and 19, the combination of references does not teach a stretchable cover encasing the cushion. On this issue Chew, *et al* does not describe a cover at all and Stulik merely states that its cover 11 may be of cloth or other similar upholstery material, such as vinyl, none of which is inherently stretchable.

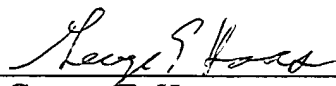
As a consequence, the Office Action has failed to establish a prima facie case of obviousness under 35 U.S.C. §103 with respect to claims 2-4, 6 and 12-22.

## **Conclusion**

In view of these distinctions between the subject matter of the present claims and teachings of the cited patents, reconsideration and allowance of the present application are requested.

Respectfully submitted,  
Malin E. Holcomb, *et al.*

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By:   
George E. Haas  
Registration No. 27,642

Quarles & Brady LLP  
411 E. Wisconsin Avenue Suite 2040  
Milwaukee, WI 53202-4497  
Telephone (414) 277-5751